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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,769	10/13/2000	Steven A. Weiss	28265-PA	1069

7590 05/05/2003

Bernhard Kreten
300 Capitol Mall Suite 1100
Sacramento, CA 95814-4348

EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary	Application No. 09/687,769	Applicant(s) WEISS, STEVEN A.	
	Examiner Steven Ashburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |


MARK SAGER
PRIMARY EXAMINER

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Eggleston*, U.S. Patent 6,061,660 (May 2001) in view of Kim Pryor, *Virtual Value, How to find dynamite deals on the Internet*, Casino Player, vol. 9, no. 10, (May 1998) <<http://www.casinoplayer.com/archive/9806cp/cpbody.html>> (hereinafter "*Pryor*").

Eggleston discloses an on-line system for allowing sponsors and retailers to offer incentive games to consumers over Internet websites to motivate players to obtain information and visit business establishments. *See col. 1:20-46*. The reference teaches that it was known in the art to use incentive programs to modify the behavior of consumers to motivate them to perform predetermined actions such as purchasing products or services upon visiting a retail site, viewing advertising, testing a product, etc. *See id.* Furthermore, it suggests providing improved incentive programs over the Internet whereby consumers can easily access incentive award programs through web sites using their personal computers. *See col. 5:55-6:30*.

In regards to the claims 1, 7 and 10 *Eggleston* discloses the following features of the claimed subject matter:

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- a) Posting information about a plurality of gaming devices on a wide area network (WAN). *See figs. 8, 9 and col. 13:42-50.*
- b) Posting on the WAN information about potential promotions, contests and awards. *See figs. 8, 9 and cols. 12:21-13:5.*
- c) Displaying procedures correlating gaming device use to attain awards, promotions and contests through wagering. *See figs. 8, 9 and cols. 12:21-13:5.*
- d) Replacing the acquired contests, awards and promotions with new ones. *See figs. 10-12, 14 and cols. 14:26-15:55.*
- e) Allowing a prospective player access from a remote location to search as a function of game type, award kind or individual player status. *See col. 12:38-61, 16:25-35, 16:46-56.*

Hence, *Eggleston* describes all the features of the claimed subject matter except posting information about wagering games located at a site of a gaming establishment. Regardless of the deficiency, this feature would have been obvious to an artisan.

It was known in the art at the time of the invention to post information about wagering games located at a site of a gaming establishment. For example, *Pryor* discloses that most casinos have websites on the Internet that highlight all their gaming amenities. *See p. 3.* Casinos offer special rates and promotions exclusively to Internet users. *See id.* Additionally, many casinos offer coupons and other discounts over their websites. Furthermore, users can register for comp programs over the Internet. *See id.* Finally, *Pryor* suggests that casinos plan to expand their websites to communicate information about promotions to regular customers. *See id.* Hence, using the Internet, casinos provide customers with a valuable tool for planning a casino vacation. *See id.*

In view of *Pryor*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Eggleston*, wherein an on-line system allows sponsors to offer incentive games to

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consumers over Internet websites, to add the feature of post information about wagering games located at a site of a gaming establishment to motivate players to obtain information and visit casino establishments.

In regards to claims 2: *Eggleston* additionally teaches updating the promotions, contests and awards as they are changed or awarded. *See figs. 10-12, 14; col. 13:51-55, 14:26-15:55, 17:18-24.*

In regards to claims 3 and 14: *Eggleston* additionally teaches rewarding success using digital vouchers. *See col. 7:46-49, 13:55-67.*

In regards to claims 4 and 13: *Eggleston* additionally teaches rewarding success by transporting a manifestation commemorating success to a player designated locale. *See fig. 14(434), 16(822,824), 18(876-882), 21:65-22:32.*

In regards to claims 5: *Eggleston* additionally teaches allowing redemption of an award in person. *See col. 21:65-22:5.* Hence, in the gaming information system suggested by the combination of *Eggleston* with *Pryor*, wherein the sponsor is a casino, the combination describes allowing redemption of an award in person at a casino.

In regards to claims 6 and 10: *Eggleston* additionally teaches posting new and updated games on the network. *See cols. 14:26-15:15.*

In regards to claims 8: *Eggleston* additionally teaches providing updates to a machine at sponsor's establishment. *See col. 43:60-45:27.* Hence, in the gaming information system suggested by the

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combination of *Eggleston* with *Pryor*, wherein the sponsor is a casino, the combination describes providing updates to a machine at a casino.

In regards to claims 9 and 11: *Eggleston* additionally teaches allowing play from the remote location for an award on the network. *See fig. 19; col. 13:43-47.*

In regards to claims 12: *Eggleston* additionally teaches awarding players as the result of play. *See col. 13:51-63.*

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Eggleston* in view of *Pryor*, as applied to claims 1-14 above, in further view of Kelly et al., U.S. Patent 6,015,344 (Jan. 18, 2000).

The gaming information system suggested by the combination of *Eggleston* with *Pryor* describes all the features of the instant claims except displaying awards, contests and promotions in the casino on a gaming machine. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Kelly*.

Kelly discloses an analogous network system for offering games of skill or chance. *See fig. 1-4; col. 3:28-4:22, 8:25-58.* In addition to offering games, the terminals provide the operator with promotional opportunities as part of a promotional campaign to attract customers to a retailer. *See col. 11:38-63.* The terminals can be placed in a variety of locations include homes, businesses and casinos. *See col. 3-15.*

In view of *Kelly*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify gaming information system suggested by the combination of *Eggleston* with *Pryor*,

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wherein casinos post information about potential promotions, contests and awards on a WAN, to add the feature of displaying awards, contests and promotions in the casino on a gaming machine. As described in *Kelly* the modification would allow an operator to display information in a variety of locations include homes, businesses and casinos as part of a promotional campaign to attract customers to a casino. See *col. 11:38-63*.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that *Eggleston* is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the applicant is directed towards a WAN system that provides the consumers with information about casinos, gaming devices, awards and promotions. See *spec. 7*. In comparison, *Eggleston* is directed towards a WAN system to provide consumers with information about retailers, games, awards and promotions. See *col. 5:46-54, 12:37-13:6*. Thus, *Eggleston* is reasonably pertinent to the particular problem with which the applicant was concerned.

Conclusion

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: DeLorme et al., U.S. Patent 5,948,040 (Sep. 7, 1999) discloses a network travel information

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and planning system allowing consumers to search, collect, and view information in order to make an informed selection from a plurality of services offered by a vendor

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
March 14, 2003



MARK SAGER
PRIMARY EXAMINER